

REMARKS/ARGUMENTS

The Examiner rejected Claims 1, 2, 5, 8, 9 and 12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 8, 13 and 16, respectively, of U.S. Patent No. 6,688,384. The Examiner asserted that although the conflicting claims are not identical, they are not patentably distinct from each other, because the claims are directed to the same energy saving device with the same structural elements and method steps except that patented claims recite a single device used with a single temperature controlled zone whereas the claims of the application recite a plurality of energy saving devices used with a plurality of temperature controlled zones.

The Examiner objected to claims 3-4, 6-7, 10-11 and 13-14 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Without addressing the propriety of the Examiner's rejection, Applicants' representative has executed and enclosed herewith a Terminal Disclaimer to render this ground of rejection moot. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection under the judicially created doctrine of obviousness-type double patenting.

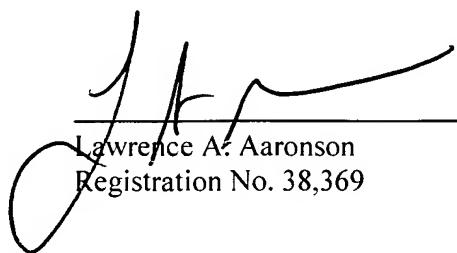
CONCLUSION

It is respectfully submitted that each and every claim pending in this application patentably defines over the prior art of record. For all the foregoing reasons, Applicant respectfully submits that the instant application is in condition for allowance.

Reconsideration of the present Office Action and an early Notice of Allowance are respectfully requested.

Date: March 30, 2007

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